

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
-----x

3 UNITED STATES OF AMERICA

4 v.

16 CR 342 (SHS)

5 DAVID VILLANUEVA,

Sentence

6 Defendant.

7 -----x

8 New York, N.Y.
9 June 12, 2019
4:00 p.m.

10 Before:

11 HON. SIDNEY H. STEIN

12 District Judge

13
14
15 APPEARANCES

16 GEOFFREY S. BERMAN

17 United States Attorney for the
Southern District of New York

18 PAUL M. MONTELEONI

KIMBERLY RAVENER

19 ALEXANDER ROSSMILLER

Assistant United States Attorneys

20
21 ANDREW C. QUINN

Attorney for Defendant

22
23 Also Present: MICHAEL BUSCEMI - FBI
24 MARK KLAUSER - NYPD

1 (Case called)

2 THE COURT: Good afternoon to all of you. First, I
3 received by hand a letter in regard to this sentencing. I
4 don't know if any of you have seen it. I have the original
5 here. It's from Christina Chambers. Have the parties seen it?

6 MR. MONTELEONI: The government has not, your Honor.

7 THE COURT: I am going to hand it down so that you can
8 take a look at it. In the letter she asks that essentially a
9 version of the same letter that was hand-delivered earlier,
10 yesterday, not be distributed because it contained information
11 about two minors. I am going to honor that. I'll file that
12 letter under seal. The version she has simply strikes the
13 reference to two minors. The names of the minors should not be
14 disclosed. The parties should look at this letter and then we
15 will proceed.

16 MR. MONTELEONI: Thank you, your Honor.

17 MR. BROWN: Stephen Brown, Daily News. May I request
18 that that version of the letter with the minors redacted be
19 posted on the docket, please?

20 THE COURT: I'll listen to what the position of the
21 parties is after they read it.

22 MR. BROWN: Thank you.

23 MR. MONTELEONI: Your Honor, this is a somewhat
24 substantial letter. In order to speed things up, does the
25 court object to my copying with my cell phone camera so I can

1 read it at the same time as defense counsel?

2 THE COURT: No. I'll have copies made now in the
3 courtroom. And rather than my sitting here, we'll bring a copy
4 out for each of you to read it. When you are ready, I'll come
5 up.

6 MR. MONTELEONI: Thank you, your Honor.

7 (Recess)

8 THE COURT: Did the parties hand the letter back?
9 Let's proceed. The parties have now read it.

10 I have the following information. I have the
11 pre-sentence report prepared on January 29 of this year and
12 revised on May 30th. With that is the addendum and the
13 sentencing recommendation of the probation department, which is
14 for time served on all counts pursuant to 5K1.1.

15 I have the 5K letter itself dated May 29, 2019. And I
16 have the sentencing memorandum of Mr. Villanueva, document 140,
17 which also has attachments of a variety of letters in support
18 of Mr. Villanueva.

19 Is there any additional information I should have, Mr.
20 Quinn?

21 MR. QUINN: No, your Honor.

22 THE COURT: Mr. Monteleoni?

23 MR. MONTELEONI: In addition to the letter that we
24 have just discussed from Christina Chambers, we have just
25 handed to your deputy a forfeiture order that we have executed

1 today implementing the \$75,000.

2 THE COURT: Consent preliminary order of forfeiture?

3 MR. MONTELEONI: That's correct.

4 THE COURT: This is consented to, Mr. Quinn?

5 MR. QUINN: Yes, your Honor.

6 THE COURT: The defendant is consenting to the entry
7 of a money judgment in the amount of \$75,000 constituting the
8 proceeds obtained by Mr. Villanueva from the offense. I am
9 going to sign that now. The consent preliminary order of
10 forfeiture has been signed by the Court.

11 Mr. Quinn, have you had a full opportunity to read and
12 discuss all this information with your client and have you in
13 fact read and discussed it with him?

14 MR. QUINN: Yes, I have, Judge.

15 THE COURT: Do you have any objections to the findings
16 of fact in the pre-sentence report?

17 MR. QUINN: I do not, your Honor. We had some earlier
18 exceptions. We approached and addressed those with the
19 department of probation as well as with the U.S. Attorney's
20 office, and they were all resolved.

21 THE COURT: Government, do you have any objections to
22 the findings of fact in the pre-sentence report?

23 MR. MONTELEONI: No, your Honor.

24 THE COURT: I hereby adopt the findings of fact in the
25 pre-sentence report.

1 Mr. Quinn, why don't you talk to me, sir. What do you
2 want me to know? I have read all this information, obviously.

3 MR. QUINN: Judge, I thought that the pre-sentence
4 report was exhaustive and comprehensive, and I believe it
5 accurately portrayed both the crimes to which my client pleaded
6 guilty, his personal background and history, his professional
7 background and history, as well as the extraordinary lengths he
8 went to to make amends for his criminal acts.

9 I would also point the Court to the government's
10 submission, which goes into extraordinary detail. As this
11 Court is very much aware, my client almost from the beginning
12 of this prosecution accepted responsibility and immediately did
13 everything in his power, in fact I don't think he could have
14 done anything more, to make amends for his acts.

15 He has provided substantial assistance to the
16 government. He has testified publicly in two trials covered
17 extensively in the New York media. He met with representatives
18 of the government on dozens of occasions for hundreds of hours.
19 He did everything he could to assist the government in rooting
20 out the corruption that was endemic to the pistol license
21 division, which admittedly he was a part of.

22 Judge, I would ask you to give great consideration to
23 all the efforts my client has made toward correcting his
24 mistakes and his assistance to the government and follow the
25 recommendation of the Department of Probation and impose a

1 sentence of time served.

2 THE COURT: Mr. Villanueva, do you want to say
3 anything to the Court?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Now is your opportunity. Anything you say
6 can be used against you, sir, but I'm here to listen to
7 whatever you have to say.

8 THE DEFENDANT: Sir, I stand in front of you
9 embarrassed. I stand in front of you ashamed for the pain that
10 I have caused not only to my family but to the New York City
11 Police Department and the city as a whole.

12 Your Honor I grew up from humble beginnings. I grew
13 up in East New York, where the crack epidemic had gone through
14 the roof. I knew better. I stayed away from people who were
15 doing drugs. Fast money was never a consideration. I even
16 decided to go to a high school which took an hour and 15
17 minutes to get to from my house so I would not be around the
18 people who were destroying my neighborhood. During that time I
19 chose to become a cop. My dreams came true. I became a police
20 officer. Eventually I went through the ranks and I made
21 sergeant.

22 Unfortunately for my focus and the demeanor that I had
23 to do right, I started associating myself with the wrong
24 people. I brought great pain to everyone, especially to my
25 son. I didn't tell him I was coming today, your Honor. I will

1 never forget the pain, the embarrassment, and the confusion in
2 his eyes when his dad was brought out of his house in
3 handcuffs. My son, who in two weeks graduates from high school
4 and was accepted to the college of his dreams, two weeks ago
5 his dad had to tell him he couldn't attend because my actions
6 created a void such that I can't help him financially. So my
7 son cannot go to the college he wanted. I failed as a dad.

8 I have a stepdaughter who I don't consider my
9 stepdaughter, I consider her daughter. She does competitive
10 swimming. Your Honor, I have not been able to go to see any of
11 her meets because they are outside of New York state, out of
12 the jurisdiction that I can travel. I failed as a dad again.

13 To my wife who I married and a couple of months after
14 marriage I was arrested, she didn't deserve this. She doesn't
15 deserve me. But the whole time she stood by me.

16 Your Honor, I am sorry for the pain I have caused. I
17 have tried to amend for all the wrong I have done. I have
18 allocated a ton of time to make things right. I want to
19 continue making things right. Your Honor, all I'm asking is
20 for a second chance and the opportunity to try to be a better
21 dad now that I have failed.

22 Your Honor, the pain that I brought will probably
23 never go away. I ask for forgiveness from my co-workers in the
24 NYPD, from my family. The one person that will never forgive
25 me is myself, your Honor. I will never be able to forgive

1 myself.

2 Your Honor, once again, what I did was wrong. I take
3 full responsibility. I blame no one. I blame myself. As I
4 told you earlier, I know wrong and right from the beginning of
5 life. I allowed myself to get away from that in my
6 professional career.

7 Your Honor, once again I apologize, I apologize to my
8 wife, who is behind me; my children, who do not know I am here;
9 and to my fellow co-workers in the City of New York, your
10 Honor. Please give me a second chance to make things right.

11 THE COURT: Why did you do this?

12 THE DEFENDANT: Your Honor, I was in an area where
13 corruption was fluent. Instead of me putting my foot down and
14 actually reporting it, I allowed myself to become part of it.

15 THE COURT: You became a corrupt cop.

16 THE DEFENDANT: Correct. I allowed myself to become a
17 corrupt cop.

18 THE COURT: You dishonored the badge.

19 THE DEFENDANT: Yes, your Honor.

20 THE COURT: You dishonored the force.

21 THE DEFENDANT: Correct, your Honor.

22 THE COURT: To the extent there is corruption in the
23 police department, the public loses faith in law enforcement.

24 THE DEFENDANT: Yes, sir.

25 THE COURT: You were part of that.

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Tell me again why you did this. You said
3 you allowed yourself to become a corrupt cop.

4 THE DEFENDANT: I allowed myself to become a corrupt
5 cop, your Honor. Greed had part to do with it. I was licensed
6 as a police officer. Once I came back to sergeant, I was
7 brought into a circle where this was going on, and greed opened
8 my eyes. I knew better from the time I was growing up in East
9 New York. Instead of me saying no, your Honor, I have no
10 words, I allowed myself to become corrupt.

11 THE COURT: Thank you.

12 Government, what would you like to say, if anything?

13 MR. MONTELEONI: Thank you, your Honor. The defendant
14 participated in a number of corrupt schemes. He did so not
15 only as a law enforcement officer but as a supervisor. The
16 type of corrupt schemes that he participated in impacted the
17 public safety of New York by allowing those who would not
18 qualify for the privilege of carrying firearms in New York to
19 gain that ability without a proper basis.

20 THE COURT: What you mean is he allowed a felon to get
21 a weapon? That's what you mean?

22 MR. MONTELEONI: In one case, yes. In many cases,
23 however, there were individuals who were not statutorily barred
24 by federal law from possessing weapons but still would not have
25 qualified under New York's rather restrictive gun license

1 regime.

2 THE COURT: For things like full-carry licenses?

3 MR. MONTELEONI: For full-carry licenses. These were
4 individuals who were largely not barred from it but would not
5 have qualified for what he allowed, which was for them to walk
6 around the entirety of New York City with a concealed weapon
7 24-7.

8 THE COURT: Full-carry like the hundred full-carry
9 licenses that were taken care of through Mr. Lichtenstein, if I
10 understand the testimony correctly?

11 MR. MONTELEONI: Yes. The majority of them were
12 through Lichtenstein. There were some for some of the other
13 bribe payers. There were also other individuals who had
14 licenses that they had acquired through other means but faced
15 loss of those licenses due to incidents that prompted
16 investigations into whether they were still fit to have a
17 license. This was most directly Villanueva's responsibility as
18 the incident sergeant. In exchange for bribes --

19 THE COURT: In exchange for dinners, a watch, Broadway
20 tickets, limousines, lunches, parties, cash, right?

21 MR. MONTELEONI: Yes, that's correct, your Honor, a
22 number of bribes of different forms. He allowed individuals
23 who would otherwise have lost their licenses or had other
24 unfavorable dispositions short of absolute revocation to have
25 more favorable dispositions. So yes, in some cases individuals

1 who should have had their licenses fully revoked were able to
2 continue to carry the weapons on their persons.

3 This is shocking conduct. Its scope and extent, as
4 the Court pointed out, shakes public confidence in law
5 enforcement, which is absolutely corrosive to a society to have
6 corruption of this sort in the police department where we trust
7 and rely on law enforcement officers to protect all of us.

8 That said, Villanueva was an exemplary cooperator, as
9 we have said in our 5K letter.

10 THE COURT: You said he showed exemplary candor, he
11 was highly effective, he was extraordinarily effective. He
12 showed remorse according to you and certainly according to his
13 statement here. He had dozens of meetings with them. He gave
14 critical testimony. This is a very favorable 5K letter.

15 MR. MONTELEONI: That's correct, your Honor. It is
16 lengthy and it is extensive both because of the sheer number of
17 cases that he participated in, cases that he allowed in some
18 cases to be brought at all. Because he was so effective in
19 those cases, we thought it was only appropriate to do
20 everything that we could to bring that entirely to the Court's
21 attention.

22 As we say in the letter, the degree of remorse that we
23 believe he showed, it is not something you can really put into
24 words in a letter, but that is what we observed and we believe.

25 Something else that I think is a little hard to make

1 vivid is the degree of detail and specificity that he was able
2 to go into. In addition to just telling us things that he
3 recalled, he went back and he searched old documents and old
4 items that he had lying around his house. He went back and
5 brought us a wealth of information.

6 He was unflinching as to his conduct. He also was
7 very focused and detail-oriented. That is not to say that he
8 always got everything right, but just as his cooperation was
9 unusually extensive, we think that it was unusually focused and
10 precise.

11 There are cases that we just wouldn't have been able
12 to make, we think, without him. We think it is very unlikely
13 that we would have been in a position to charge John Chambers,
14 who was an attorney and in fact a former prosecutor, for a
15 lengthy bribery scheme, which was the first bribery scheme that
16 Villanueva engaged in.

17 In sort of a factual portion of the answer to your
18 Honor's questions of how it started, that was chronologically
19 the first thing that happened. Villanueva was offered this
20 free entertainment under social guises at a time when he was
21 experiencing significant financial stress. That snowballed and
22 his conduct went far beyond, which was truly shocking. That
23 case against Chambers certainly didn't rest on Villanueva's
24 word, but it absolutely had its genesis in information that he
25 provided that allowed us to develop powerful evidence

1 sufficient to bring that charge.

2 THE COURT: I should say, although I have read the
3 Chambers letter, it is not materially affecting my decision
4 here. Go ahead.

5 MR. MONTELEONI: Yes, your Honor. We certainly would
6 have some disputes with what's in it if it were going to affect
7 you, but we don't need to address that here.

8 Additionally, other corrupt law enforcement officers
9 in the license division, it is very unlikely that they would
10 have been able to be charged, including Lieutenant Paul Dean,
11 the highest ranking law enforcement officer who we have been
12 able to date charge in these matters. That is also in great
13 part due to his cooperation as well as the cooperation of
14 others.

15 Villanueva's participation in a pattern of corruption
16 that has shaken the faith to a good extent of citizens of New
17 York in the police department is extremely noteworthy, but the
18 steps that he has taken to redress it and to allow us to remove
19 or mitigate it are also extremely unusual. We certainly didn't
20 mean to convey that we do not consider his cooperation to have
21 been ordinary, run-of-the-mill, or perfunctory.

22 THE COURT: You conveyed it clearly. You are very
23 supportive of him. By the same token, the guideline range is
24 57 to 71 months, substantial. I certainly intend to give him
25 credit for his cooperation under 5K1.1.

1 The problem is, you're right, he has shaken the faith
2 of the populace in the police department, as everybody in this
3 group of cases has. He was a policeman. Policemen are and
4 ought to be, and I think he would agree with me, held to a
5 higher standard in terms their integrity and their honesty.

6 It is difficult for me to be able to give the
7 proverbial, as a defense lawyer would say, get-out-of-jail-free
8 card given the fact that he should be an exemplar of integrity
9 and honesty and fair dealing as opposed to, as I said before, a
10 corrupt policeman.

11 Yes, he is remorseful. Yes, he has done what I think
12 are, I won't say fulsome, but certainly he really went all the
13 way in supporting you, and you're saying that that is true.
14 But it is hard to blink at the fact that he was actively
15 engaging in corruption while a police officer.

16 MR. MONTELEONI: Yes, your Honor.

17 THE COURT: I think some prison time is appropriate
18 given that.

19 MR. MONTELEONI: That is a decision for the Court. We
20 don't disagree with your assessment of either the severity of
21 the conduct or of his cooperation. We do think that our
22 ability to investigate and to make these cases, our ability to
23 recognize cooperators who let us do that, is an important
24 consideration, which we know that the Court will consider.

25 THE COURT: Of course you need cooperators to

1 prosecute wrongdoers. There is no question about that. They
2 have to be rewarded for that cooperation, and he will be. But
3 as a general deterrence issue and as a sign that the courts
4 support the appropriate punishment for those who have committed
5 crimes, it seems to me that some prison time is appropriate.

6 MR. MONTELEONI: I understand what the Court is
7 saying. I would point the Court to page 9 of our 5K letter.

8 Let me pause on two housekeeping points. First, as I
9 think my remarks were intended to convey, we do move under
10 section 5K1.1 of the guidelines for a downward departure in
11 light of his assistance to our investigations and prosecutions.
12 Second, we do intend to file a redacted version of this 5K
13 letter on the public docket following this sentencing,
14 submitted under seal.

15 As we point out in page 9 of our letter, Lieutenant
16 Paul Dean, who was entrusted with an even greater degree of
17 responsibility than Villanueva, was sentenced to 18 months of
18 imprisonment, and Robert Espinal to a year and a day of
19 imprisonment. We understand that neither of them cooperated,
20 and we obviously believe that is an important factor for the
21 Court to consider in assessing proportionality and disparities.

22 THE COURT: I agree.

23 MR. MONTELEONI: Unless the Court has further
24 questions beyond that, we will rest on our submissions.

25 THE COURT: Defense, you stood up before. Did you

1 want to add something?

2 MR. QUINN: I did, Judge. In furtherance of the
3 government's comments in their 5K1 letter, your Honor, as the
4 government just pointed out, once my client was arrested and it
5 became clear to all of us on the defense team that he had done
6 acts for which he should be ashamed and has expressed shame
7 before the Court, he took it upon himself to do absolutely
8 everything he could to assist the government.

9 There is always the obvious hope that cooperation will
10 be rewarded and you may receive a lesser sentence. I'm not
11 going to suggest there wasn't an element of that. But I would
12 say the almost overwhelming motivating fact behind my client's
13 actions was to assist the government because he was ashamed of
14 what the pistol license department had turned into. He was a
15 shamed that he was part of it, and he wanted to assist them in
16 making sure that nothing was left behind, that no clues, no
17 suspects were left there, no individuals who could continue to
18 engage in this type of corrupt practice would be left there.

19 What he did was he took it upon himself, and I think
20 the government just conceded as much, to almost conduct his own
21 investigation and do everything he could on as much evidence as
22 possible, bring as much evidence to the government as he could.
23 His motivation wasn't I want to walk away at the end of this
24 case. It was let me help you correct the mistakes that I was a
25 part of.

1 When the government says they have difficulty
2 conveying or communicating his level of remorse, I think that
3 is what is difficult to convey, that that was my client's
4 sincere and genuine attempt for participating in this scheme
5 and allowing it to occur under his watch and while he was
6 there. So he took a genuine effort to make sure he provided as
7 much information to the government as he could, and it was
8 successful, Judge. Obviously, as the 5K1 letter shows, my
9 client was successful. He was believable and credible.

10 THE COURT: He was extremely helpful to the
11 prosecution.

12 MR. QUINN: Your Honor, I represent the New York City
13 sergeants. I have been doing that for 20 years. I deal with
14 allegations against corrupt police officers all the time. It
15 never gets easy. I would never suggest that it is. But I
16 would ask the Court to look closely at once my client was
17 arrested, he took it upon himself to do everything in his power
18 to make sure that that unit and that pistol license division
19 got cleaned up.

20 THE COURT: I'm sorry?

21 MR. QUINN: It got cleaned up, Judge. The individuals
22 that were there that were corrupt, that were continuing to do
23 the things after he was arrested, he was able to assist the
24 government in making sure that doesn't happen. So I would ask
25 the Court to give as much consideration and weight to that as

1 the Court deems appropriate.

2 THE COURT: Thank you.

3 This is not an easy decision. Sentencings never are.
4 It is especially true here in light of his thorough and, as the
5 government said, exemplary cooperation. Nonetheless, it seems
6 to me that a policeman should be held to a higher standard than
7 the average citizen in terms of corruption. Given the fact
8 that there is a multiplier effect in terms of the confidence of
9 the people in their law enforcement officers, general
10 deterrence here is very important.

11 Nonetheless, as Mr. Monteleoni points out, there has
12 to be some proportionality in sentencing here. I have looked
13 at all the other sentences that other judges have imposed in
14 these related cases. I don't think a year and a day is
15 appropriate.

16 I am going to sentence this man to 4 months'
17 incarceration and the other recommendations of the probation
18 department. I do think some time in prison is appropriate here
19 given his position as a sergeant no less, as a supervisor. He
20 was a supervisor in this corrupt licensing division.

21 I think you're right, sir, that it has been cleaned up
22 in not insubstantial part because of his cooperation. But the
23 word has to go out that the police of the City of New York are
24 obligated to obey the law themselves and to be an example to
25 other citizens.

1 The NYPD web page under "Values" says, "We pledge to
2 maintain a higher standard of integrity than is generally
3 expected of others because so much is expected of us." That's
4 a nice sentiment. But the fact is that corrupt police have a
5 multiplier effect in the confidence of the people, and there
6 has to be a statement that corruption among police officers
7 will be penalized. It's less than the others here, but I do
8 think it is an appropriate statement.

9 If the defendant would stand, I will impose sentence.

10 I hereby find the total offense level is 25, the
11 criminal history category is I, the guideline range is 57 to 71
12 months. Pursuant to the Sentencing Reform Act of 1984, it is
13 the judgment of this Court that the defendant, David
14 Villanueva, is hereby committed to the custody of the Bureau of
15 Prisons to be imprisoned for a term of 4 months. Upon release
16 from imprisonment, Mr. Villanueva shall be placed on supervised
17 release for a term of 2 years on each count, to be served
18 concurrently with each other.

19 I should say that the 4 months is on each of the six
20 counts, all to be served concurrently -- in other words, only a
21 4-month sentence -- to be followed by, quote, only 2 years of
22 supervised release. The "only" is in quotes in both terms of
23 custody and supervised release.

24 He shall serve supervised release with the conditions
25 recommended by the probation department, namely, the following

1 mandatory conditions. He shall not commit another federal,
2 state, or local crime. He shall not illegally possess a
3 controlled substance. He shall not possess a firearm or
4 dangerous weapon or destructive device.

5 He shall refrain from any unlawful use of a controlled
6 substance. He shall submit to one drug test within 15 days of
7 his placement on supervised release and at least two
8 unscheduled drug tests thereafter as directed by his probation
9 officer. He shall cooperate in the collection of DNA as
10 directed by his probation officer.

11 He shall comply with the standard conditions 1 through
12 12 plus the following special condition. Actually, I'm not
13 going to impose any special conditions and I'm going to suspend
14 the mandatory drug testing requirement. In other words, as a
15 mandatory condition, he shall refrain from any unlawful use of
16 a controlled substance, but he does not have to submit to one
17 drug test within 15 days of placement on supervised release and
18 two unscheduled drug tests thereafter. He has shown no issue
19 with drugs in the past. I have no reason to think he will in
20 the future.

21 Within 72 hours of release from the custody of the
22 Bureau of Prisons, he shall report in person to the probation
23 office in the district to which he has been released. I am not
24 imposing a fine because the defendant lacks the ability to pay
25 a fine, after taking into account the pre-sentence report and

1 the forfeiture order that I have signed as well as his family
2 responsibilities and his current modest income. I am not
3 imposing restitution because there is no victim pursuant to 18
4 U.S.C. 3663.

5 I hereby order Mr. Villanueva to pay to the United
6 States a special assessment of \$100, which is due immediately.
7 And I am ordering, as I said, forfeiture of \$75,000.

8 My deputy reminds me that I said \$500. It's \$600
9 special assessment because there are six separate counts that
10 he has pled guilty to.

11 I sentenced this defendant with the factors of 5K1.1
12 in mind. I believe the sentence is appropriate. Given the
13 extreme seriousness of the offense and the need for punishment
14 and deterrence, I do recognize Mr. Villanueva's serious and
15 substantial cooperation as well as his remorse. But for the
16 reasons I have said, I think it is appropriate that he serve
17 time incarcerated.

18 I see no reason to not have voluntary surrender here.
19 What is the position of the parties?

20 MR. QUINN: Judge, I would make that request. My
21 client, because of his young children who are home for the
22 summer, already has a paid vacation scheduled for the week of
23 August 10th. Could I ask the Court for a surrender date of
24 August 19th? That will allow him to take vacation with his
25 family.

1 THE COURT: Government?

2 MR. MONTELEONI: The government has no objection.

3 THE COURT: Mr. Villanueva shall surrender for
4 sentence at the institution designated by the Bureau of Prisons
5 on or before 2:00 p.m. on August 19th.

6 Defense, are you aware of any legal reason why the
7 sentence should not be imposed as I have stated?

8 MR. QUINN: No, your Honor.

9 THE COURT: Government?

10 MR. MONTELEONI: No, your Honor.

11 THE COURT: I hereby order the sentence to be imposed
12 as I have stated it.

13 Mr. Villanueva, you have the right to appeal the
14 sentence I have imposed on you. If you cannot pay the cost of
15 appeal, you have the right to apply for leave to apply in forma
16 pauperis. If you make a request, the clerk of court will
17 prepare and file a notice of appeal on your behalf immediately.
18 Do you understand your appeal rights?

19 THE DEFENDANT: Yes, I do.

20 THE COURT: What is the position of the parties on the
21 request by a representative of the press that that letter be
22 filed publicly?

23 MR. QUINN: Your Honor, I would obviously object, for
24 a number of reasons. First of all, I don't know that Ms.
25 Chambers has any standing to provide this Court with any

1 information. But there are factual statements contained in the
2 letter which I disagree with. I don't think they are factually
3 accurate. Taking where she comes from, her position, she is
4 the wife of someone whom my client testified against, I would
5 ask that it not be publicly posted.

6 THE COURT: Government?

7 MR. MONTELEONI: The government certainly disagrees
8 with some of the factual allegations in the letter, but we take
9 no position on its public docketing. We don't oppose it.

10 THE COURT: It is a judicial document presented to the
11 Court for consideration in connection with the sentencing. I
12 will say that it has not materially affected my decision here.
13 I will have it docketed. I will delete the identifying
14 information in the front as our rules provide: in other words,
15 the address and phone number and email address here.

16 I should say for the record that there are allegations
17 here that the parties do disagree with. But insofar as it was
18 considered by the Court, I think it is appropriate that it that
19 it be filed, and it will be.

20 Anything else?

21 MR. MONTELEONI: The government moves to dismiss the
22 underlying indictment as to the defendant.

23 THE COURT: Defense?

24 MR. QUINN: No objection.

25 THE COURT: So granted.

1 Defense, anything else?

2 MR. QUINN: No, your Honor.

3 THE COURT: Mr. Villanueva, you understand fully the
4 magnitude of what you have done. The Court understands the
5 magnitude of your assistance. It is obviously appreciated by
6 the government, and they have stated that. When you get out of
7 prison in 4 months, stay out of trouble. I'm sure you will.

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Stick with your family, make amends to
10 them, and you'll be fine.

11 Thank you all.

12 (Adjourned)

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